



**American Civil Liberties Union
of Montana**

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EXHIBIT 27
DATE 2/16/07
HB 525

February 16, 2007
Testimony HB 525

Chairman Jore and Members of the Committee,

My name is Cathy Day, Public Policy Director of the American Civil Liberties Union of Montana—a membership based organization of 2,500 Montana households dedicated to defending the Constitution and the Bill of Rights.

I rise today to share concerns about HB 525. The 1st Amendment of the US Constitution and the 2nd Article of the Montana Constitution guarantee the basic right of freedom of speech. This guarantee is at the root of the long held value of academic freedom which is the cornerstone of higher education in America. HB 525 is a Trojan Horse in the guise of a Guardian for Free Speech. While it talks about the free exchange of ideas as indispensable to a liberal education, it is, in essence, part of a national movement to deny academic freedom and to curtail the free speech rights of Montana faculty and students.

As you have already heard, there are many concerns about this proposed legislation, but our greatest concern is the obvious restriction of free thought and speech in the classroom. Academic freedom and responsibility are the liberty and obligation to study, to investigate, to interpret, and to discuss facts and ideas in all branches and fields of learning. No limitations are implied, other than those required by generally accepted standards of responsible scholarship. Free and open inquiry and unhindered sharing of ideas are fundamental aspects of academic freedom. The right to conduct such inquiry is implicit in the freedoms safeguarded by the First Amendment, however unsettling the outcome of such inquiry may be to accepted beliefs or opinions. Inherent in the notion of academic freedom is that the government should not be in the business of controlling academic inquiry.

Prior to coming to the ACLU, I was an administrator at a private, faith based university. I can understand the desire that students would be exposed to certain values. However, as a respected institution of higher learning, we were also committed to the free, open, honest pursuit of truth. I can assure you that the "white ivory tower" is alive and well. It is self-governing and has mechanisms in place to identify and correct those who are imposing a narrow viewpoint on others or engaging in activities which are damaging or unfair to its students. Campuses already have comprehensive due process in place to protect the rights of both students and professors. A fierce pride in protecting academic freedom and the pursuit of truth are central to the identity of a college campus.

This bill is not about diversity or freedom of speech; it is about protecting one way of viewing and responding to this very complex world we live in. I urge you to vote against HB 525.